

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 3151 - SB 3423**

February 23, 2012

**SUMMARY OF BILL:** Creates a Class E felony offense for a district attorney general (DAG) or assistant district attorney general (ADAG) to knowingly fail or refuse to disclose evidence the DAG or ADAG knows or should have known to be exculpatory to the defendant. Makes no distinction as to whether such evidence was requested by the defendant pursuant to Rule 16 of the Rules of Criminal Procedure, any other law or rule, or if such evidence is in the district attorney's possession or known to the district attorney but a request for the specific evidence withheld is not made by the defendant. Elevates the offense to a Class D felony if the defendant is convicted of an offense as the result of a violation of this section and such evidence, if known to the defendant, would have resulted or would likely have resulted in the defendant's acquittal.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- According to the District Attorney Generals Conference (DAGC), the prohibited conduct described in the proposed bill is covered by the Rules of Criminal Procedure and the Board of Professional Responsibility and will not result in a fiscal impact to the DAGC budget.
- According to the Department of Correction, there will not be an increase in the number of Class E or Class D felonies as a result of this bill.
- Any increase in caseloads of the state trial courts can be accommodated within existing judicial resources without an increase in appropriations or a reduced reversion.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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